

JONES DAY

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July 10, 2020

VIA CM/ECF

The Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl St., Room 21A
New York, New York 10007

Re: Burgos v. The Pennsylvania State University, No. 1:20-cv-03143 (S.D.N.Y.)

Dear Judge Buchwald:

Pursuant to Section 2 of Your Honor's Individual Practices, we write on behalf of Defendant The Pennsylvania State University ("Penn State") and respectfully request that, pursuant to 28 U.S.C. § 1404(a), the Court transfer this case to the Middle District of Pennsylvania, as it is related to *Thomson v. The Pennsylvania State University*, No. 4:20-cv-00725-MWB (M.D. Pa.). Plaintiff has consented to the transfer sought herein.

Plaintiff brought this putative class action against Penn State, a public university located in State College, Pennsylvania, seeking a refund of tuition expenses and certain fees as a result of Penn State's transition to remote-learning in light of the novel COVID-19 pandemic. This case is one of three related putative class actions, asserting substantively the same claims, that have been filed against Penn State. The other two actions are pending in the district courts in Pennsylvania: (i) *Thomson v. The Pennsylvania State University*, No. 4:20-cv-00725-MWB (M.D. Pa.) (Judge Matthew W. Brann); and (ii) *Ramey v. The Pennsylvania State University*, No. 2:20-cv-00753-RJC (W.D. Pa.).

In light of the pendency of these related cases, the Parties respectfully request that the Court transfer this case to the Middle District of Pennsylvania (Penn State's home district) under 28 U.S.C. § 1404(a). Pursuant to Section 1404(a), "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented." Here, as noted above, all parties have consented.

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Accordingly, pursuant to Local Civil Rule 83.1, the Parties respectfully request that the Court so-order this Letter-Motion and direct the Clerk of Court to transfer this action from the Southern District of New York to the Middle District of Pennsylvania, where *Thomson v. The Pennsylvania State University*, No. 4:20-cv-00725-MWB (M.D. Pa.), is pending.

Respectfully,

/s/ Aaron M. Healey

Aaron M. Healey

Cc: Joseph I. Marchese
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SO ORDERED. July 13, 2020


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE